

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. )  
 ) Criminal No. 04-10135-GAO  
 THOMAS SCOLA et al. )  
 )

**INFORMATION REGARDING PRIOR CONVICTION FILED PURSUANT TO  
21 U.S.C. §851 REGARDING DEFENDANT ENRIQUE AGOSTO**

The United States Attorney charges that:

1. On or about October 11, 1989, THOMAS SCOLA was convicted in Salem District Court in Salem, Massachusetts of knowingly or intentionally possessing with intent to manufacture, distribute or dispense a Class "B" controlled substance (to wit: LSD) in violation of Mass. Gen. L. 94C, §32A. A copy of the docket (Docket number 8936 Cr 0858) reflecting this judgment of conviction is attached hereto as Exhibit 1.

2. THOMAS SCOLA has been named as a defendant in an Indictment numbered 04-10135-GAO. The Indictment charges that THOMAS SCOLA did knowingly and intentionally combine, conspire, confederate, and agree with the named co-defendants and other persons, known and unknown to the Grand Jury, to distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance and that the conspiracy involved 100 grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance in violation of Title 21, United States Code, Sections 846, and 841(b)(1)(B)(I). The Indictment

also charges that THOMAS SCOLA did knowingly and intentionally distribute, and possess with the intent to distribute, heroin, a Schedule I controlled substance in violation of Title 21, United States Code, Section 841(a)(1).

3. By way of this information, the government notifies THOMAS SCOLA, that he is charged with committing the crime alleged in said indictment after having been previously convicted of the felony drug offense as set out in paragraph 1 above.

All in keeping with Title 21, United States Code, Section 851(a)(1).

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

BY:

/s/ David G. Tobin  
DAVID G. TOBIN  
Assistant U.S. Attorney

Dated: March 29, 2006

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants.

/s/ David G. Tobin  
David G. Tobin  
Assistant United States Attorney

Date: March 29, 2006

